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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 003197

SENSITIVE
SIPDIS

STATE FOR SCA/FO, SCA/A, S/CRS
STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG
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E.O. 12958: DECL: 12/13/2018
TAGS: [KDEM](#) [PGOV](#) [AF](#)
SUBJECT: THE ELECTORAL PROCESS FOR PROVINCIAL COUNCIL
CANDIDATES

REF: KABUL 3009

Classified By: Political Counselor Alan Yu, Reason 1.5 (b) and (d)

¶1. (SBU) On voting day in 2009, Afghans will choose not only a new president but new members of their provincial councils. At the same polling place, with the same voter registration card, Afghans will cast a separate ballot for between 9 and 24 provincial council representatives, according to population. First elected in 2005, provincial council members have struggled, with varying success, to overcome the awkwardness of their province-wide mandates and develop a role for their institution and themselves. Some are modestly effective popular representatives, working with both ministry directors and donors to identify development and service priorities, and functioning as a consultative counterweight to the provincial governor's executive authority. Other provincial council members principally defend the interests of former warlords, serving as local lieutenants to safeguard privileges first obtained by force.

¶2. (SBU) As noted reftel, the election law stipulates that members of an illegal armed group (IAG) may not run for office. No known presidential contenders would fail the criterion, but we expect some number of provincial council candidates may face disqualification. Many Afghans were unhappy when former warlords were elected to political office in the 2005 legislative and provincial council elections. For this round, Afghan authorities and the international community are grappling to find a sound strategy on candidate vetting which would contribute to transparent and impartial enforcement of the electoral law. Those organizing the vetting process wish to avoid an electoral outcome similar to 2005 in 2009, and subsequently in 2010.

¶3. (C) Mohammed Stanekzai, Vice-Chairman of the Disarmament and Reconciliation Commission (DRC), which supervises the better-known DIAG, plans to move ahead with a coordinated approach to candidate vetting in late December. Following a series of meetings between DIAG and the Independent Election Commission (IEC) brokered by UNAMA, Stanekzai proposes to begin the process of removing warlord lieutenants from candidate lists by conducting a general public information campaign on the electoral law provisions. A roundtable experts discussion broadcast on Ariana television, for example, would explain the prohibition to the public and reiterate the government's position that all Afghans, including former members of the Taliban and Hizb-e-Islami, may run for office -- if they first disarm.

¶4. (C) The DIAG then would complete its update of data on members of illegal armed groups. Stanekzai plans to ask Independent Directorate of Local Governance director Jelani

Popal to encourage the provincial and district governors he supervises to move expeditiously to provide detailed current information on members of illegal armed groups, to complement reports to DIAG from the police (ANP), army (ANA), intelligence service (NDS), and ISAF. With this new list, DIAG could, in advance of the candidate registration period, privately notify key individuals -- including provincial council incumbents -- whether they would fail the IAG criterion.

15. (C) Following completion of the voter registration update in early February, the IEC plans to allow 21 days for candidate registration, followed by 10 days for challenges and complaints. The DIAG would provide its complete list of members of illegal armed groups to the Electoral Complaints Commission (ECC) during the 21 day period. The ECC would instruct all candidates who fail the IAG criterion (including the key individuals already notified by DIAG who might choose to file anyhow) to approach DIAG and consider qualifying for disarmament. The ECC would disqualify and exclude from the ballot any candidates who did not disarm according to DIAG standards. Further appeal to the ECC would not be possible, but disqualified candidates could choose to open a court case.

UNDP ELECT envisions that the Electoral Complaints Commission, with both Afghan and international community members, will stand up sometime during December.

16. (C) Noting the importance of political will to make candidate vetting effective, Stanekzai says he will first build a consensus by presenting his plan to key Afghan players in the Presidential Advisory Group (PAG), which advises Karzai on security issues. This sub-group would

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propose the plan to the larger PAG which includes international community representatives. The PAG then would advance the plan to the President for his endorsement.
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